

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition for Reinstatement By:

LORENZO LORIA QUERUBIN,

Petitioner.

OAH No. 2011020266

DECISION

This matter was heard by a quorum of the Board of Vocational Nursing and Psychiatric Technicians (Board) on February 24, 2011, in Los Angeles. Eric Sawyer, Administrative Law Judge, Office of Administrative Hearings, State of California, presided. The record was closed and the matter was submitted for decision, following which the Board met in an executive session and decided the matter after the hearing.

Lorenzo Loria Querubin (Petitioner) appeared and represented himself.

Geoffrey Ward, Deputy Attorney General, represented the Attorney General of the State of California pursuant to Business and Professions Code section 2878.7.

FACTUAL FINDINGS

1. On July 13, 2000, the Board issued Vocational Nurse License No. VN 192380 to Petitioner.

2A. The Board, in a Default Decision and Order (Board Case No. 6901), revoked Petitioner's license, effective September 10, 2006.

2B. Petitioner committed acts of unprofessional conduct as follows. On February 24, 2003, Petitioner was convicted of one count of possession of a controlled substance with a firearm, a felony, and one count of being under the influence of a controlled substance (methamphetamine), a misdemeanor. He was sentenced to serve time in state prison.

3. The petition for reinstatement was filed with the Board on December 3, 2010; it is timely and meets all jurisdictional requirements.

4. Petitioner was paroled from prison. He was discharged from parole in 2007. Petitioner's parole agent indicates that he was an exemplary parolee.

5. Petitioner has tried to stay employed since being released from parole. He currently works part-time as a caregiver. He has recently become married. He regularly attends church and participates in his parish choir group. Petitioner has made encouraging progress in achieving stability in his personal life.

6. Petitioner's misconduct stemmed, to a large degree, from his addiction to alcohol and drugs. Petitioner has remained sober since September 10, 2005. Although he regularly attended group meetings while on parole, Petitioner stopped attending them after he was released from parole. However, Petitioner indicated in the petition that he still attends Narcotics Anonymous (NA) meetings and that he has a sponsor. His explanation for why he made that misstatement in his petition was inadequate.

7. Petitioner provided evidence of completion of some continuing education coursework. Overall, the Board does not view that coursework as satisfactory. In addition, the Board is concerned with the fact that in enrolling in some of the coursework, Petitioner inaccurately indicated his status as licensed, when in fact his license was revoked.

8. A number of positive character reference letters about Petitioner were submitted.

9. The Board is concerned with Petitioner's testimony during the hearing that he views his former license as his possession which needs to be returned to him. Such an attitude is not indicative of satisfactory rehabilitation.

LEGAL CONCLUSIONS

1. *Burden of Proof.* The burden in this petition for reinstatement of a revoked license rests with Petitioner. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.) The standard of proof is clear and convincing evidence to a reasonable certainty. (*Hippard v. State Bar* (1989) 49 Cal.3d 1084.)

2. *Standard of Review.* Business and Professions Code section 2878.7 provides the Board with authority to reinstate a revoked license for reasons the Board deems sufficient. In doing so, the Board may impose reasonable conditions. (Bus. & Prof Code, § 2878.7, subd. (d).)

3. *Disposition.* In this case, Petitioner failed to meet his burden of establishing clearly and convincingly that cause exists to reinstate his license pursuant to Business and Professions Code section 2878.7. Petitioner no longer attends alcohol and/or narcotics group meetings, which is of some concern to the Board, given that his misconduct was related to addictions. The Board is concerned about the misrepresentations Petitioner made in his petition concerning his attendance at group meetings, and about his license status when he enrolled in continuing education courses. The Board is also concerned with Petitioner's apparent attitude that his prior license is his personal property. His continuing education coursework was less than satisfactory. Although Petitioner is making encouraging progress

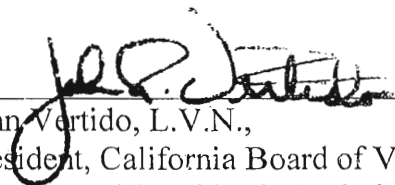
in his personal life, overall he failed to demonstrate a satisfactory level of rehabilitation.
(Factual Findings 1-9.)

ORDER

The petition for reinstatement of Lorenzo Loria Querubin is denied.

This Decision shall be effective May 17, 2011.

Dated: May 2, 2011



John Vertido, L.V.N.,
President, California Board of Vocational
Nursing and Psychiatric Technicians